

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DENNIS KOESTERER, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
KERRY K. KILLINGER, DAVID C.
SCHNEIDER and THOMAS W. CASEY,

Defendants.

Civil Action No. 1:07-CV-9801-CM

ECF FILED

(Captions continued on subsequent page)

**NOTICE OF MOTION OF ONTARIO TEACHERS' PENSION PLAN BOARD
FOR APPOINTMENT AS LEAD PLAINTIFF, APPROVAL OF ITS SELECTION
OF COUNSEL AS LEAD COUNSEL FOR THE CLASS, AND CONSOLIDATION
OF ALL RELATED ACTIONS**

JOEL ABRAMS and BRIAN ROFFE,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
KERRY K. KILLINGER , STEPHEN J.
ROTELLA and THOMAS W. CASEY,

Defendants.

Civil Action No. 1:07-CV-9806-AKH

ROBERT L. GARBER, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
KERRY K. KILLINGER , STEPHEN J.
ROTELLA and THOMAS W. CASEY,

Defendants.

Civil Action No. 1:07-CV-11422-UA

PLEASE TAKE NOTICE that on a date and time as may be set by the Court, before the Honorable Colleen McMahon, at the United States District Court for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, New York 10007, the Ontario Teachers' Pension Plan Board ("Ontario Teachers") will respectfully move this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), for entry of an Order appointing Ontario Teachers Lead Plaintiff in the above-captioned actions, approving its selection of Bernstein Litowitz Berger & Grossmann LLP as Lead Counsel for the Class, and consolidating all related actions herewith under Rule 42(a) of the Federal Rules of Civil Procedure.

Ontario Teachers believes that it has the largest financial interest in the relief sought by the Class and, thus, should be appointed Lead Plaintiff. Ontario Teachers purchased 1,788,133 shares of Washington Mutual Inc. ("WaMu") common stock during the period from April 18, 2006 through December 10, 2007 (the "Class Period") and suffered losses of approximately \$24 million on its investment in WaMu securities.

The appointment of Ontario Teachers as Lead Plaintiff would advance the primary goal of the PSLRA's lead plaintiff provisions to encourage institutional investors with large financial stakes in the outcome of the litigation to assume control over securities class actions. In addition, Ontario Teachers meets the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of other Class members' claims and because it will fairly and adequately represent the Class.

This Motion is supported by the accompanying Memorandum of Law in support thereof, the Declaration of Gerald H. Silk filed herewith, the pleadings and other files, and such other written or oral argument as may be permitted by the Court.

For the foregoing reasons, Ontario Teachers respectfully requests that the Court (i) appoint Ontario Teachers as Lead Plaintiff pursuant to the PSLRA; (ii) approve Ontario Teachers' selection of Bernstein Litowitz Berger & Grossmann LLP as Lead Counsel for the Class; (iii) consolidate all related actions; and (iv) grant such other and further relief as the Court may deem just and proper.

Dated: January 4, 2008

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

/s/ Gerald H. Silk

Gerald H. Silk (GS-4565)
Noam Mandel (NM-0203)
1285 Avenue of the Americas, 38th Floor
New York, NY 10019
(212) 554-1400

*Counsel for Ontario Teachers' Pension Plan
Board and Proposed Lead Counsel for the
Class*